

**RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2179**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dianne S. Phillips et al.	Examiner:	Augustine, Nicholas
Serial No.:	10/656,015	Group Art Unit:	2179
Filed:	September 5, 2003	Docket:	G&C 30566.254-US-U1
Title:	OBJECT VIEWER EDITOR CONTROL		

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PETITION UNDER 37 C.F.R. §1.181

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being submitted in accordance with M.P.E.P. §706.07(c) to invoke the supervisory authority of the Commissioner under 37 C.F.R. §1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

The Applicants request a review of the final rejection made in an Office Action dated December 21, 2006, for the above-identified patent application. This Petition is being submitted in response to the final office action.

The 35 U.S.C. § 102(b) rejections in the Office Action were made final, even though the rejections of the Office Action were based on a reference that was not cited in a previous Office Action on the application and the amendments made to the claim merely incorporated claim limitations expressed in a dependent claim. As an example, independent claim 1 was amended as follows:

1. (CURRENTLY AMENDED) A method for displaying a graphical illustration of an object in a computer graphics program, comprising:  
obtaining an object in a computer graphics program;

displaying a properties palette for the object, wherein the properties palette comprises one or more object properties having corresponding property values; displaying a graphical illustration of the object in the properties palette, wherein one or more of the object properties, in the properties palette, are keynoted to refer to corresponding keynotes displayed in the graphical illustration in the properties palette.

Applicants note that prior dependent claims provided the following limitation:

2. (CANCELLED) The method of claim 1, wherein one or more of the object properties are keynoted to refer to corresponding keynotes displayed in the graphical illustration.

As can be seen, the amendment to independent claim 1 merely incorporated the limitations from dependent claim 2. In this regard, since the object properties in original claim 1 were in the properties palette, the amendment added nothing more than the limitations that already existed in prior dependent claim 2.

The Examiner asserted that the Applicants' amendment necessitated the new grounds of rejection.

The Applicants' attorney disagrees. As described above, the Applicants' amendment of the claims merely amended the independent claims to incorporate dependent claim limitations. Similar amendments were made to independent claims 8 and 15 of the application to incorporate the limitations from claims 9 and 16 of the application as filed.

The amendments and arguments made in response to the first Office Action should reasonably have been expected by the Examiner, since the subject of the amendments were part of the specification and, more importantly, part of the claimed subject matter, of the application as originally filed. See M.P.E.P. §§ 706.07(a) and 904 et seq.

As such, it is respectfully submitted that the rejections should not be made final because the rejections of the second Office Action include rejections made on prior art not of records, and consist

solely of included limitations which should reasonably have been expected to be claimed. As a result, it is erroneous, as a matter of law, to state that the Applicant's amendments were not reasonably expected by the Examiner and therefore necessitated the new grounds of rejection. Consequently, the final rejection was premature, and Applicants' attorney respectfully requests its withdrawal.

In addition, the final Office Action on page 10 refers to page 230, column 2 of the Clevenger reference. Applicants note that the copies of the Clevenger reference that were provided to applicant (it consists of non-patent literature) does not include a page 230. Accordingly, the Examiner has failed to present a prima facie case of obviousness since he has failed to provide a complete copy of the reference relied upon to reject the application.

This Petition is being submitted electronically, and thus Applicants request that any required Petition fees be charged to the Deposit Account No. 50-0494. Any other fees should be charged to Deposit Account No. 50-0494 as well.

Respectfully submitted,  
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Date: January 18, 2007

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